



# UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/527,410	03/16/00	YANG	B YK1-0034

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MMC2/0718

EXAMINER
EASTHUM, K

ART UNIT	PAPER NUMBER
2832	


DATE MAILED: 07/18/01

**Pleas find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No. 09/527,410	Applicant(s) Yang
Examiner Karl Easthom	Art Unit 2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 29, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al.

Howe et al. discloses the claimed invention at Fig. 1 where 13 and 16 comprise the sealing spacers, and the portion emanating through 13 are the leads are part thereof. In claim 5, the part 13 is in the form of a cylinder where the housing is cylindrical.

3. Claims 1-2, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonassen. Jonassen discloses the claimed invention at Fig. 6 where 22 comprise the sealing spacers, and the the leads are 39. The welding of claim 2 is via the solder joints 30. In claim 5, the spacers are cylindrical.

4. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kozlowski. Kozlowski discloses the claimed invention at Fig. 1, 1 and 2 comprise the sealing spacers, and the leads 20, 10 emanate therethrough.. Fig. 2 discloses the cylindrical shape of claim 5. In claim 2, the melting and bonding at col. 3 meets the welding where the glass is heated. In claim 3, 8, the repeated backfilling and flushing results in the clean dry air and mixtures of argon, col. 3, lines 5-20.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Kozlowski or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kozlowski. The claimed invention is as noted above where the repeated backfilling and flushing inherently results in the cleanliness claimed, col. 3, lines 5-20. Alternatively, it would have been obvious to backfill and flush until the desired cleanliness is obtained where repeated flushing for cleaning is disclosed, for the purpose of getting the air as clean as possible.
7. Claims 6-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonassen or Kozlowski, in view of Harada et al. The noted references disclose the claimed invention except for the lead wires being Dumet. Harada et al. discloses such a lead wire at col. 6 for the purpose of forming leads that penetrate glass. It would have been obvious in view of Harada et al. to form lead wires of Dumet for penetrating the glass of the references noted.
8. Applicant argues Howe et al. does not disclose a one-piece housing, due to element 19. This is accepted. Applicant argues Jonassen does not disclose an air-tight seal, welding, or broadened tips. This is not correct, where the seal is made by the weld at 30, and a noble gas is held inside, see abstract. The seal and web are all part of the "sealing spacer" of the claim. Applicant argues that the base 2 does not airtightly seal because the element 3 seals. This is not material where 2,3 are all considered as parts of the "sealing spacer" of the claim.. Applicant does not claim the base fixed and fitted to the electrode in "direct contact" as apparently argued. Even

Application/Control Number: 09/527410  
Art Unit: 2832

Page 4


so, contact is made to 2 by the part 3. Or, metal tube 3 is part of the electric lead. As to the motivation for the obviousness rejections, same is taught as noted above, and incorporated here.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306. The examiner can normally be reached on M-Th from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Gellner, can be reached on (703) 308-1721. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1721.

7/17/01

  
KARL D. EASTHOM  
PRIMARY EXAMINER